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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,865	01/09/2006	Seiji Kondou	053537	1943
38834 7590 05/14/2009 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
BASHORE, ALAIN L				
ART UNIT		PAPER NUMBER		
1792				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/563,865

**Applicant(s)**

KONDOU ET AL.

**Examiner**

Alain L. Bashore

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-42 is/are pending in the application.
- 4a) Of the above claim(s) 37-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD/CC)  
Paper No(s)/Mail Date 7/12/06; 2/19/08; 1/3/06
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of claims 17-36 in the reply filed on 2-19-09 is acknowledged. Claims 37-42 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2-19-09.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17, 20-22, 26-27, 30-32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent publication 2003-103211 (JP '211) in view of Japanese patent publication 2003-126768 (JP '768).

JP '211 discloses a process for producing a coated sheet, comprising the step of applying a coating solution containing a resin material and a solvent onto a substrate film to form a coating layer and the step of drying the applied coating solution, wherein dry wind is blown along the traveling direction of the film onto the surface of the coating

layer (para 0015 -00118). Since photosensitive layers are disclosed, there is disclosed an optically functional layer and an optically compensating layer.

Regarding viscosity, it would have been obvious to one with ordinary skill in the art to include viscosity recitation because JP '211 teaches viscosity parameters as functionally significant (para 0010). The specific claimed viscosity of 20 mPa-s or less is considered a resultant effective parameter, obvious to one with ordinary skill in the art as optimized to specific required results in absence of criticality.

JP '211 does not disclose:

- a solid content of 55% by weight or less;
- specific layer ranges as claimed in claims 26 and 36.

JP '768 discloses a solid content of 55% by weight or less for drying of an optical film (para 0012), and specific layer ranges (para 0036).

It would have been obvious to one with ordinary skill in the art to include a solid content and specific layer range as claimed for the purpose of a specific drying result to obtain a useable and functional layer with desired operating parameters as taught in para 0037 to JP '768.

4. Claims 18-19, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '211 in view of JP '768 as applied to claims above, and further in view of Japanese Patent publication 2002-331267 (JP '267).

JP '211 and JP '768 both do not disclose the specific wind speed claimed in claims 18, 28 and temperature of the blown dry wind as claimed in claims 19, 29.

JP '267 discloses the specific wind speed and temperature of the blown dry wind (para 0009).

It would have been obvious to one with ordinary skill in the art to include the specific wind speed and temperature of the blown dry wind for the purpose of optimizing the drying effect as described in para 0009 to JP '267.

Regarding the recitations to specific parameters for scattering in width directions, such would have been obvious to one with ordinary skill in the art to include such for the purpose of decreased waste of coating material.

5. Claims 23 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '211 in view of JP '768 as applied to claims above, and further in view of DE 4342280 (DE '280).

JP '211 and JP '768 both do not disclose

DE '280 discloses optically compensating layers forms a cholestric layer (see English equivalent abstract).

It would have been obvious to one with ordinary skill in the art to include cholesteric layer for the purpose of providing alignment ability to layers for further desirable optical properties.

6. Claims 24-25 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '211 in view of JP '768 as applied to claims above, and further in view of DE 4342280 (DE '280) and Japanese Patent publication 2001-314799 (JP '799).

DE '280 discloses what is described above, and further discloses polymerizing (see English equivalent abstract).

DE '280, JP '211 and JP '768 all do not disclose a liquid monomer.

JP '799 discloses liquid crystal (para 0002).

It would have been obvious to one with ordinary skill in the art to include a liquid monomer for the purpose of producing a type of optical compensation sheet for use in LCD devices.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:00 am to 4:30 pm (Mon. thru Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/  
Primary Examiner, Art Unit 1792